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29 SEP 1975

Honorable Richard L. Thornburgh
Assistant Attorney General
Criminal Division
Department of Justice
Washington, D.C. 20530

This was coord
with me + send to
DAJ on 26 Sept

OGC Has Reviewed

Dear Mr. Thornburgh:

29 SEP 1975

As you know, attorneys from the Criminal Division are conducting investigations of certain past CIA activities to determine whether they may have been in violation of Federal criminal statutes. While your attorneys have been reviewing Agency documents for some time already, and have conducted a few interviews, I would like to propose some guidelines which should assist the overall investigation and limit the risk of inadvertent disclosure of sensitive information. You will recall that we informally discussed this matter on 24 September 1975.

1. Requests to CIA by the Criminal Division for documents and information should be in writing. Experience has shown that oral requests are subject to misinterpretation or are easily forgotten, and generally do not receive the same prompt attention a written request does.

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2. Requests by the Criminal Division should be limited to documents or information that bear on the legality of a particular activity identified as questionable. This generally includes, but may not be limited to, the following:

- a. highest approval for the activity
- b. reasons the activity was undertaken
- c. scope of the activity (precisely what occurred)
- d. persons involved in approving, planning and carrying out the activity

Our senior officers have grave concern about any general review of program files by persons not familiar with intelligence matters. Thus, Agency personnel will search for, collect, and make available documents which bear on the legality of the activities you specify for investigation.

3. Review of documents will take place initially at CIA Headquarters. Copies of specific documents deemed important to the investigation of a particular activity can then be requested in writing. All such requested documents will remain classified until determined otherwise by the appropriate Agency authority.

4. Information in documents to be copied for the Criminal Division which pertains to sensitive intelligence sources and methods may be deleted. Should it be determined by you that the deleted information is necessary for the proper

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completion of your investigation, we can consult to determine the manner in which it can be made available to you.

5. In their letters of 17 April and 15 May 1975, the Director of Central Intelligence and the Attorney General agreed on the general procedures for the conduct of interviews of Agency employees. In further clarification of these procedures, attorneys from the Criminal Division should notify

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of my office whether the interview is to be conducted as a briefing, or as an interview of a possible subject. A briefing, of course, would not seem to necessitate the giving of Miranda warnings to the employee since no potentially incriminating questions should be asked.

Essentially, these are the matters we discussed on 24 September. I would appreciate confirmation of your understanding on these points.

Sincerely,

John S. Warner
General Counsel

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